

DATE: 12/7/18

TO: Lacey Feltman, Administrator  
South Dakota Human Services Center Drug & Alcohol Treatment  
Program  
PO Box 7600  
3515 Broadway Avenue  
Yankton, SD 57078-7600

RE: Compliance Survey conducted on 12/7/18

FROM: Chris Qualm, Administrator  
Office of Health Care Facilities Licensure and Certification  
615 East 4<sup>th</sup> Street  
Pierre, SD 57501-1700

BY: Travis Nelsen, Health Facilities Surveyor

Cc: Melanie Boetel, Department of Social Services  
Division of Behavioral Health Services

Code Standards: Administrative Rules of South Dakota (ARSD) 67:61:10 substance use disorders  
National Fire Protection Association Code 101 Life Safety Code, 2000 Ed, chapters 1-10 inclusive, chapter 33 and 39.  
Americans with Disabilities Act Accessibilities Guidelines (ADAAG)

**CLASSIFICATION: Alcohol and Drug Treatment Facility (Residential)**

**BED CAPACITY: 32 Beds Adult Wing (3515 Broadway Avenue)**

A compliance survey for the above referenced codes and standard was conducted on 12/7/18. The purpose of this survey was to evaluate the operation and determine compliance with South Dakota Administrative Rules.

Your facility was found in compliance with the South Dakota Administrative Rules listed above.

**Concern:**

However, this surveyor has some concerns with patient rights and privacy regarding bathing facilities. Currently the facility has a public bathroom with bathing facilities (shower and tub) that is not being used. The clients are using a shower that is shared between two client rooms. Whoever wants to shower must walk through another client's room to reach the shower. This poses some privacy concerns since whoever occupies the client room must allow other clients to pass through their area to shower.

Interview with the charge nurse on 12/7/18 at 10:00 a.m. in regard to why they were not using the public bathing facilities revealed:

\*They did not want the clients to know they had a bath tub.

\*If clients knew they had a tub, they would want to take a bath and clients could not take a bath without a physician's order.

I question if we are not restricting the client's rights by not allowing them to take a bath if they desire. While there very well may be clinical reasons for not allowing certain individuals to take a bath, those reasons should be documented in the individual's care plan with clear rationale. To restrict individuals who do not have a clear rational documented in the care plan would be an infringement on that individual's right.

Below is the section of code that I feel would apply:

**67:61:06:01. Clients' rights.** An agency shall ensure that clients' rights are fully protected. The agency shall give each client a copy of the clients' rights and responsibilities in writing, or in an accessible format upon admission and shall discuss the rights and responsibilities with the client or advocate.

The clients' rights and responsibilities statement shall be posted in a place accessible to clients. Copies shall also be available in locations where clients can access them without making a request to agency staff. In addition, the agency shall make the clients' rights and responsibilities statements available to the division. The agency shall provide services to each client in a manner that is responsive to the client's need in the areas of age, gender, social support, cultural orientation, psychological characteristics, sexual orientation, physical situation, and spiritual beliefs.